1952 K File No. O Prisons | 52

Legal Delhi-

A BRANCH

P 6 F

Subject:— opinions under the Prisons Act 1894

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Gen. 194 a.

340-A

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SVV
13.6.56.
5 c.

752 dt. 11-1-52.

Submitted.

Please see H.D. note dated 2-1-1952 at pp. 17-18 ante. The question raised by H.D. for consideration of the R.L.A. is whether ther is any objection to include in the notification to be issued under rule 357(1) of the Bombay Jail Manual the name of "Worli Detention Camp" along with two other prisons.

2. Rule 357(1) of the Bombay Jail Manual provides that there shall ordinarily be twelve non-official gentlemen visitors for the prison in the City of Bombay. If the Worli Detention Camp has been notified as a prison under section 5(1) of the Prisons Act, 1894, it would be one of the prisons in the City of Bombay and it is not necessary to separately specify it in the notification under rule 357(1). If the names of the prisons have been mentioned in the notification for the twelve non-official gentlemen, it would be necessary to mention the Worl Detention Camp in the same.

The view taken by the H.D. is correct.

Sd./- PSM.

Reply may be :-

The view taken by the H.D. is correct.

Sd./- R.T.K.
25/2

Sd./-

R. L. A.

U.R. to H.D., No. 3202; dated 26th February, 1952.

SVV
13.6.56.
4 c.

OFFICE OF THE R.L.A.

Bombay Jail Manual - Rule 357(2)(a)

The Chief Presidency Magistrate, Bombay in his endorsement at page 5 ante states that Home Department notification No. P. 207(1) dated 4-4-1950 appointing "the Mayor of Bombay" as non-official gentlemen visitor for a period of 3 years is not regular as he authmatically comes on the Visitors' Committee by virtue of rule 357(2)(a) and no notification appointing him is necessary. The R.L.A. is requested to advise in matter.

2. The view taken by the Chief Presidency Magistrate is not correct. Sub-rule (1) of Rule 357 provides that there shall ordinarily be twelve non-official gentlemen visitors for the prisons in the City of Bombay. Sub-rule (2) provides that the twelve non-official gentlemen visitors for the prisons in the City of Bombay shall be (a) the Mayor of the Municipal Corporation of the City of Bombay (b) five members of the Bombay, and(c)six other gentlemen etc. Sub-rule (7) requires that the appointments of non-official visitors other than gentlemen members of the Bombay Legislature shall be made for a period not exceeding three years. Sub-rule (8) provides that all the appointments made under this rule shall be notified in the Bombay Government Gazette. The Mayor of Bombay being one of the twelve non-official gentlemen visitors, his appointment will have to be made for a period not exceeding 3 years and will have to be notified in the Gazette as required by sub-rule (7) and (8) of rule 357.

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U.R. to H.D., No. 10210; dated the 19th June, 1956.

SVV
14.6.56.
4 c.

L.D.R.L. No. 14014/14-7-52.

Submitted.

The facts of this case are as follows:

Prisoner Abduk Aziz Abdul Salam was convicted on 19-4-44, and sentenced to undergo transportation for life. On 13-5-1952, he was been transferred to Uttar Pradesh his native State, under reciprocal arrangement and the question that has arisen for consideration is whether his case can be considered by this Govt. under Rule 782 of the Bombay Jail Manual with a view to deciding his premature release. In this connection H.D. observes:

"In this case, however, the prisoner's 14 years' report became due on 13-4-1952, when he was in our jail. Thereafter he was transferred to U.P. Jail on 13.5.52. In view of this, it ~~x~~ is but appropria e that we should review his case and communicate the orders to the U.P. Government. However, in other cases where prisoners are transferred from our jails before their 14 years' report is due according to our rules, their cases will have to be governed by the rules in force in the states in which they are transferred. In case of prisoners transferred to our jails we shall have to consider the cases according to our rules in consultation with the State Gover ment concerned."

The R.L.A. is requested to advise whether view expressed above is correct.

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SVV
14.6.56.
4 s.

Office of the R.L.A.

The view taken by the Home Department is correct. The Rules in question framed by this Government are made under section 59(5) and (21) of the Prisons Act, 1894, and they would be applicable to all prisoners undergoing sentences in the Prisons in this State as they are Rules regarding treatment (see Addl. Secy.'s opinion No. 9374, dated 14-6-51). On transfer to a prison in another State, however, the Rules made by this Government will cease to apply and the Prisoner will be governed by the Rules in force in the State to which he is transferred. In the case of Abdul Aziz Abdul Salam, his case fell for review by Government before he was transferred and this Government may therefore send its recommendations to the U.P. Government after reviewing his case for such action as the U.P. Government deems expedient to take.

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U.R. to H.D., No. 16311/A; dated the 29th September, 1952.

SVV
14.6.56.
4 c.

L.D.R.I. No. 23146 dt. 4.10.52.

Submitted.

In order to lessen the over-crowding in bigger jails, the Inspector General of Prisons has suggested that sub-jails should be allowed to keep prisoners sentenced to less than 3 ~~years~~ months. According to Rule 3(a) of the Sub-Jail Manual read with Rule 7 of the Bombay Jail Manual prisoners sentenced to a term not exceeding one ~~week~~ month are to be confirmed in the third class sub-jails. H.D. considers that the proposals of the I.G. Prisons cannot be given effect to unless these Rules which are statutory Rules are amended and R.I.A. is requested to advise. (pp. 31-32 ante).

2. The view taken by the H.D. is correct.

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U.R. to H.D., No. 16829, dated the 11th October, 1952.

SVV
14.6.56.
4 6.

SM 4/7

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